

**BEFORE THE STATE BOARD OF PODIATRY EXAMINERS OF SOUTH CAROLINA**

In the Matter of:

**J. DAVID STELLWAGEN, D.P.M.,**  
Podiatry License # 103

(P-98-03) (P-01-07)

Respondent.

**ORDER OF**  
**TEMPORARY SUSPENSION**

**WHEREAS**, Respondent is a podiatrist duly licensed by the State Board of Podiatry Examiners (the Board) to practice podiatry in this State; and

**WHEREAS**, a Final Order, with an effective date of December 24, 1999, required Respondent to submit each month to the Board Administrator copies of all narrative reports for bone surgery and for all procedures involving incisions, along with related ICD-9 and CPT codes; and

**WHEREAS**, this Final Order superceded all previous Orders containing like or similar requirements; and

**WHEREAS**, said Final Order further provided that failure to meet any term or condition thereof would automatically result in the immediate temporary suspension of Respondent's license to practice podiatry until further order of the Board after a hearing on the matter; and

**WHEREAS**, pursuant to an initial complaint filed by a patient concerning surgery in January 2001, the Respondent's narrative reports were reviewed for that month and said review revealed that this surgery was not included in the narrative reports submitted by Respondent to the Board Administrator for the month of January 2001 or for the year of 2001; and

**WHEREAS**, on or about February 13, 2002, Respondent loaded a shotgun and threatened to commit suicide and was taken by police to the hospital, where Respondent stated he would kill his wife; and

**WHEREAS**, Respondent was admitted to another facility for opiate detoxification, where he confirmed he had made the suicide threat and that he had stated he would kill his wife, and where Respondent also admitted to taking his wife's medications and to writing prescriptions for her as well as himself; and

**WHEREAS**, Respondent has been diagnosed as having major depression and recurrent

opiate dependence; and

**WHEREAS**, on or about February 21, 2002, Respondent signed a five-year monitoring contract with the Recovering Professionals Program (RPP) and, on or about March 29, 2002, after review of Respondent's medical records, RPP informed Respondent that he would be required to participate in an inpatient assessment at an approved facility; and

**WHEREAS**, Respondent refused to so participate and stated he wished to withdraw from his monitoring agreement with RPP; and

**WHEREAS**, based on the foregoing, the Board finds that Respondent's mental disability and opiate dependence constitute a serious threat to the public health, safety, or welfare; and

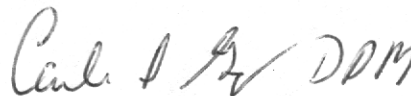
**WHEREAS**, Respondent's failure to report a patient's surgery constitutes a violation of the terms and conditions of the Board's prior Final Order, and now requires the immediate temporary suspension of Respondent's license to practice podiatry in this State until further Order of the Board; and

**WHEREAS**, the Board further finds that the public interest imperatively requires that Respondent's continued practice of podiatry be immediately temporarily suspended pending hearing and until further Order of the Board.

**THEREFORE, IT IS ORDERED THAT**, in accordance with S.C. Code Ann. § 1-23-370(c) (1986), Respondent's license to practice podiatry in this State is hereby temporarily suspended, effective immediately, pending hearing and until further Order of the Board.

**AND IT IS SO ORDERED.**

**SOUTH CAROLINA DEPARTMENT OF  
LABOR, LICENSING & REGULATION  
BOARD OF PODIATRY EXAMINERS**



CARLA B. GERSTENBERG, D.P.M.  
CHAIRPERSON

April 25, 2002

**BEFORE THE STATE BOARD OF PODIATRY EXAMINERS OF SOUTH CAROLINA**

In the Matter of:

J. David Stellwagen, D.P.M.,

License # 103

(P-98-03)(P-01-07)

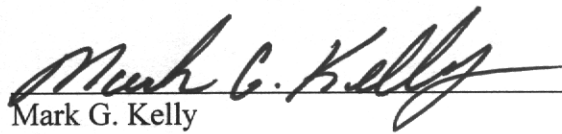
Licensee.

**AFFIDAVIT**

PERSONALLY appeared before me, Mark G. Kelly, who, being duly sworn, states the following facts:

1. During the course of my duties as a Special Investigator with the South Carolina Board of Podiatry, I have reviewed certain documents on file with said Board relative to the above licensee. A FINAL ORDER, with an effective date of December 24, 1999, required the licensee to submit each month to the Board Administrator copies of all narrative reports for bone surgery and for all procedures involving incisions, along with related ICD-9 and CPT codes. This FINAL ORDER superceded all previous orders containing like or similar requirements. A review of these narrative reports failed to reveal the documentation of surgery performed on a particular patient on or about January 12, 2001 as required by the FINAL ORDER.
2. Affiant has received and reviewed an Incident Report from the Police Department, Clayton, Georgia documenting a 911- telephone call on February 13, 2002 reporting that the licensee was threatening suicide. The licensee was subsequently taken to the Emergency Room at the Rabun County Medical Center, Clayton, Georgia. While there, he stated he would kill his wife if he were committed. The licensee was subsequently involuntarily committed to the Lakewinds Recovery/Crisis Stabilization Program, Gainesville, Georgia for psychiatric evaluation.
3. Affiant has received and reviewed a copy of the licensee's medical record from the Lakewinds Recovery/Crisis Stabilization Program. These records reflect an Admitting Order for opiate detoxification. The records also reflect that the licensee confirmed his suicide threat and that he made the statement he would kill his wife. These records further reflect that the licensee admitted to taking his wife's medications and writing prescriptions for her as well as himself. The Discharge Summary documents the diagnosis/disabilities as major depression; recurrent opiate dependence.

4. Affiant has been advised by the Recovering Professional Program that on February 21, 2002 the licensee signed a five-year monitoring contract with that program. After review of medical records from the Lakewinds Recovery/Crisis Stabilization Program, it was determined an assessment by an approved provider would be required. On March 29, 2002, the licensee was informed that he would be required to participate in an inpatient assessment at an approved facility. The licensee refused to do so and stated he wished to withdraw from his monitoring agreement with the Recovering Professional Program.

  
Mark G. Kelly  
Special Investigator ---- Affiant

SWORN to before me this  
9<sup>th</sup> day of April, 2002.

Karen Y Newton (L.S.)  
Notary Public for South Carolina

My Commission Expires: 9-18-2007